

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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RAJENDRA D. BADGAIYAN, M.D., )

Plaintiff, )

v. )

ANTHONY J. PRINCIPI, Secretary, )  
Department of Veterans Affairs; )  
President and Fellows of )  
HARVARD COLLEGE; and GRACE J. )  
MUSHRUSH, M.D., )

Defendants. )

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Civil Action No.  
04-12031-JLT

**THE DEFENDANTS, ANTHONY J. PRINCIPI AND DR. MUSHRUSH'S  
MOTION FOR LEAVE TO JOIN DEFENDANT HARVARD'S  
MOTION TO STRIKE THE PLAINTIFF'S SUPPORTING AFFIDAVITS**

Now comes the defendants, Anthony J. Principi, Secretary of the Department of Veterans Affairs, and Grace J. Mushrush, M.D., by and through their Attorney, Michael J. Sullivan, United States Attorney for the District of Massachusetts, and move this Court for Leave to join Defendant Harvard's Motion to Strike the Plaintiff's Supporting Affidavits.

As grounds for this Motion the defendants, Principi and Mushrush, concur with defendant Harvard that both the plaintiff's First and Second Affidavits include "self-serving assertions not based on the plaintiff's personal knowledge, contain inadmissible hearsay statements, and fail to demonstrate that the plaintiff is competent to testify as to the several assertions therein."

WHEREFORE, based on the review of the plaintiff's First and Second Affidavits, the defendants Principi and Mushrush herein move this Court for Leave to join Defendant Harvard's Motion to Strike the Plaintiff's Supporting Affidavits.

Respectfully submitted,

MICHAEL J. SULLIVAN  
UNITED STATES ATTORNEY

By: /s/ Rayford A. Farquhar  
Rayford A. Farquhar  
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**CERTIFICATE OF SERVICE**

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on May 17, 2007, and a copy of this Motion was served in hand to both counsel for the plaintiff and counsel for the defendant Harvard on May 17, 2007.

/s/ Rayford A. Farquhar  
Rayford A. Farquhar

**CERTIFICATION OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)**

Pursuant to Local Rule 7.1(A)(2), on May 17, 2007 I spoke with both Daniel Field and Gregory R. Barison and informed them of the filing of this Motion.

/s/ Rayford A. Farquhar  
Rayford A. Farquhar  
Assistant U.S. Attorney